

REMARKS

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim 14 is currently being amended by being rewritten in dependent form to depend from claim 1. Non-elected claims 23-38 are cancelled. After amending the claims as set forth above, claims 1-22 and 39-40 are now pending in this application. No new matter was added.

Claims 1, 7-11, 14, 19-21 and 39-40 have been rejected under § 103(a) as being unpatentable over Laskaris '371 in view of Kim '794 and Aoki '578. Dependent claims 2-6, 12-13, 15-18 and 22 have been rejected over the same three references and further in view of either Ohsaki or Braun. These rejections are respectfully traversed.

Aoki has an earliest prior art date under §102(e)/103(a) of August 3, 2001. Applicants concurrently submit a Rule 131 Declaration. The Declaration establishes an actual reduction to practice date of the claimed invention prior to August 3, 2001.

The Declaration establishes that Applicants possessed the whole invention claimed and/or something falling within claim 1, before the effective prior art date of Aoki, as required by MPEP § 715.02. Applicants believe that the device reduced to practice within the scope of claim 1 sufficiently demonstrates that Applicants reduced to practice “the whole invention claimed or something falling within claim 1” as required by MPEP § 715.02.

Thus, Applicants believe that the Declaration is sufficient to remove Aoki as prior art under §§ 102(e)/103(a). Since Aoki is no longer prior art with respect to the present application, Applicants respectfully submit that the rejection of claim 1 over Laskaris, Kim and Aoki should be withdrawn.

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested. The

Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.